

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, AUGUST 9, 2005
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Atkins at 10:06 a.m. Council Member Young acknowledged and welcomed a group of young people from the Executive Minds. Mr. Young stated that these young people have promise and are inspired to do great things in their lives including making sure that they get a quality education for themselves, to work hard, keep their nose clean and to do positive things in the community. Deputy Mayor Atkins adjourned the regular meeting at 11:47 a.m. to convene the Housing Authority. The regular meeting was reconvened at 11:57 a.m. with all Council Members present and Districts 2 and 8 and the Mayor vacant. The meeting was recessed by Deputy Mayor Atkins at 11:58 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Atkins at 2:07 p.m. with all Council Members present and Districts 2 and 8 and the Mayor vacant. Deputy Mayor Atkins recessed the meeting at 4:57 p.m. for the purpose of a break. Deputy Mayor Atkins reconvened the meeting at 5:02 p.m. with all Council Members present and Districts 2 and 8 and the Mayor vacant. Deputy Mayor Atkins recessed the meeting at 5:24 p.m. for the purpose of a break. Deputy Mayor Atkins reconvened the meeting at 5:27 p.m. with all Council Members present and Districts 2 and 8 and the Mayor vacant. Deputy Mayor Atkins recessed the meeting at 6:10 p.m. to reconvene the Housing Authority. Deputy Mayor Atkins reconvened the regular meeting at 6:16 p.m. with all Council Members present and Districts 2 and 8 and the Mayor vacant. The meeting was adjourned by Deputy Mayor Atkins at 6:19 p.m. into Closed Session in the twelfth floor Committee Room to discuss existing and pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (3) Council Member Atkins-present
- (4) Council Member Young-present

(5) Council Member Maienschein-present

(6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council District 8-vacant

Clerk-Maland (mc/ek)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

(M) Mayor-vacant

(1) Council Member Peters-present

(2) Council District 2-vacant

(3) Council Member Atkins-present

(4) Council Member Young-present

(5) Council Member Maienschein-present

(6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council District 8-vacant

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: **REFERRED TO RULES COMMITTEE**

Comment by April Boling regarding the issues surrounding the approval of a Convention Center in Chula Vista called the Gaylord Convention Center.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:12 a.m.)

PUBLIC COMMENT-2: **REFERRED TO THE CITY MANAGER TO REFER TO
THE METROPOLITAN TRANSIT SYSTEM**

Comment by Don Stillwell regarding the negative affects, caused by the opening of the green line trolley on July 10, 2005, to the residents of Rancho Mission Road and Zion Avenue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:12 a.m. – 10:15 a.m.)

PUBLIC COMMENT-3:

Comment by Oskar Thorvaldsson, representing the Homeless Awareness and Advocacy Project, regarding his concerns of the growing number of homeless people who do not have a safe place to sleep.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. – 10:19 a.m.)

PUBLIC COMMENT-4:

Comment by Hud Collins regarding his concern for our men and women who are fighting for the democracy of this country in Iraq; the need for mayoral debates rather than the questions and answers format, and lawsuits that the City Attorney has filed without the City Council's approval.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:22 a.m.)

PUBLIC COMMENT-5:

Comment by Dan Lawton regarding the Fairbanks Ranch lease.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:26 a.m.)

PUBLIC COMMENT-6:

Comment by Sandy Summers regarding domestic terrorism.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:29 a.m.)

PUBLIC COMMENT-7:

Comment by Scot McLachlan regarding his request for an updated traffic study for the Mission Valley area; and the rancor that is taking place in City government that should not be there.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:33 a.m.)

PUBLIC COMMENT-8:

Comment by Lou Conde, former County Supervisor, suggesting that the Council consider a Charter Review Commission to redefine term limits; address the issue of how to handle the succession of a Mayor when we run into the situation that we just did; add or subtract a Council Member so that the Council does not remain an uneven legislative body; institute procedures that delineates the distribution of power between the Mayor's office and the Council Members; add a section that prohibits taking a citizens private property through condemnation by the Government, in order to sell it to another private party.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:38 a.m.)

PUBLIC COMMENT-9:

Comment by Phil Hart thanking the City Auditor for his refreshing presentation at the Monday Council meeting, and requested reimbursement to the Data Processing Corp. by Council Member Madaffer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:39 a.m.)

PUBLIC COMMENT-10: REFERRED TO CITY MANAGER

Comment by Jolaine Harris regarding the oversized, non-motorized and recreational vehicles proposed parking ordinance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:43 a.m.)

PUBLIC COMMENT-11:

Comment by Linda Smith regarding the Boys Club Camp in Balboa Park, issue of homelessness and the need for restrooms and showers, and requested that the Port be closed for Veterans Day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:46 a.m.)

PUBLIC COMMENT-12:

Comment by Judith Abeles regarding her recommendation that Council establish a public comment period one evening a week from 5:30 p.m. to 7:30 p.m.; the issue of fireworks that takes place at 10:00 p.m. every night, and the issue of barking dogs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:49 a.m.)

PUBLIC COMMENT-13:

Comment by Ron Boshun regarding Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. – 10:52 a.m.)

PUBLIC COMMENT-14:

Comment by Mel Shapiro regarding Managerial contracts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. – 10:55 a.m.)

PUBLIC COMMENT-15:

Comment by Dr. Timothy Winters regarding the dismissal of Bruce Williams.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. – 10:57 a.m.)

PUBLIC COMMENT-16:

Comment by George McKinney, Jr. pertaining to City of San Diego Boards and Commissions stating that it is crucial that citizens appointed to the various boards and commissions represent all of San Diego including San Diego's African American community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. – 10:59 a.m.)

PUBLIC COMMENT-17:

Comment by Jarvis Ross regarding the Golden Hall lease that was continued to September 6, 2005 and the procedure for handling continued items.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. – 11:02 a.m.)

PUBLIC COMMENT-18:

Comment by Pat Washington and Dr. Al Best giving praise and respect to Deputy Mayor Toni Atkins stating that they commend her for her concern for fairness, equity, and diversity.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:02 a.m. – 11:05 a.m.)

PUBLIC COMMENT-19:

Comment by Reverend Art Cribbs stating that in the last 48 hours two national figures have died; Peter Jennings and a former parishioner of his, John Johnson, publisher of Ebony Jet Magazine. He has heard very little of the death of Mr. Johnson and stated that this is the result of the absence of the presence of blackness in our society.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. – 11:09 a.m.)

PUBLIC COMMENT-20:

Comment by Daniel Beeman regarding his concern of the representation that we have here in the City of San Diego and also spoke on the issue regarding the City authorizing a study to be done on some type of blood product without the knowledge of the people who were going to be treated.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:09 a.m. – 11:12 a.m.)

PUBLIC COMMENT-21: REFERRED TO CITY ATTORNEY

Comment by Reverend Willie Manley requesting that Council direct the City Attorney to work expediently to transfer the Mount Soledad War Memorial to the Federal Government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:12 a.m. – 11:18 a.m.)

PUBLIC COMMENT-22:

Comment by William Daniel regarding the issue of judicial review which is the right of a judge to strike down laws that have been passed by the people and by legislatures.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:18 a.m. – 11:21 a.m.)

PUBLIC COMMENT-23:

Comment by Muhammed Abdullah regarding the September 11 attack on America which he believes was a government ordered attack.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:21 a.m. – 11:25 a.m.)

PUBLIC COMMENT-24:

Comment by Ken Riley regarding his support of Ebony Pride San Diego whose mission is to educate and empower African American, Lesbian, Gay, Bisexual and Transgender persons in this community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:25 a.m. – 11:27 a.m.)

PUBLIC COMMENT-25:

Comment by Bruce Henderson regarding the Legislative Recess during the month of August and suggested that Council consider using this time to have two or three meetings to work through a plan to find a solution or program that will get us to the end of the current problems.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:27 a.m. – 11:30 a.m.)

PUBLIC COMMENT-26:

Comment by Barry Gavin regarding the distribution of the Council Districts and how it will affect the votes for the new plans of the strong Mayor form of government, which he feels will cause a tie vote. He also commented on the authority versus accountability under the new Mayoral form of government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:30 a.m. – 11:32 a.m.)

PUBLIC COMMENT-27:

Comment by Marvin Carpenter regarding the continued Planning Department problems that he has encountered and how to bring openness, fairness and honesty to our City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:32 a.m. – 11:39 a.m.)

PUBLIC COMMENT-28:

Comment by Bert Decker regarding City Management, the Naval Training Center, and the City Audit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:39 a.m. – 11:40 a.m.)

PUBLIC COMMENT-29:

Comment by Reverend Nate Battle regarding prayer during City Council meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:40 a.m. – 11:41 a.m.)

PUBLIC COMMENT-30:

Comment by Joseph Braverman regarding Israel and the United States and how oil industry affects the world.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:41 a.m. – 11:44 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Peters apologized for his dental emergency that caused him to have to leave during the City Council meeting on Monday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:44 a.m. – 11:45 a.m.)

COUNCIL COMMENT-2:

Comment by Council Member Young thanking the individuals who came down from his district for the meeting and how they conducted themselves. He also added his praises to Deputy Mayor Atkins for the fair representation she has in her office with regards to African Americans.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:45 a.m. – 11:46 a.m.)

COUNCIL COMMENT-3:

Comment by Deputy Mayor Atkins inviting everyone to join her this Sunday, August 14, at 10:00 a.m., for the 22nd Annual City Fest in Hillcrest, sponsored by the Hillcrest Association on Fifth Avenue from Upas Street to University Avenue.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:46 a.m. – 11:47 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

Assistant City Attorney Les Girard announced that last week in Closed Session by a unanimous vote with Districts 2 and 8 and the Mayor vacant, the City Council authorized the City Attorney to pursue a modified cross complaint in the action SDCERS versus City of San Diego and City Attorney Michael Aguirre. In addition, the Council by the same unanimous vote with Districts 2 and 8 and the Mayor vacant, authorized the filing of two cases against potential plaintiffs with regard to recovering of monies for professional services related to the pension issues.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:46 a.m. – 11:46 a.m.)



ITEM-330: Progress Reports from Kroll (the Audit Committee), Willkie, Farr, Vinson & Elkins, and KPMG, regarding the Audit and Financial Investigation of the City of San Diego's Pension System and Disclosure Practices.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-) ADOPTED AS RESOLUTION R-300778

Accepting the status reports provided by Kroll (the Audit Committee), Willkie, Farr, Vinson & Elkins and KPMG, regarding their respective progress in the matter of the audit and financial investigation of the City of San Diego's pension system and disclosure practices;

Directing the City Attorney to prepare the necessary Resolution associated with the action.

CITY MANAGER SUPPORTING INFORMATION:

At the City Council meeting of June 28, 2005, the Mayor and City Council directed the City Manager to return on August 9, 2005, with progress reports to be presented by Kroll (the Audit Committee), Willkie, Farr, Vinson & Elkins, and KPMG regarding their respective work on the audit and financial investigation of the City of San Diego's pension system and disclosure practices.

Ewell/Villa

Staff: Lisa Irvine – (619) 236-6070

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:28 p.m. – 4:56 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-331: Two actions related to Fourth Amendment to Agreement with Kroll, Inc. for Services related to the Audit of the City's Comprehensive Annual Financial Report (CAFR); and Third Amendment to Agreement with Willkie, Farr and Gallagher to Provide Independent Legal Counsel to Kroll and the Audit Committee on These Matters.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-) ADOPTED AS RESOLUTION R-300779,
WITH DIRECTION

Authorizing a Fourth Amendment to the Agreement with Kroll, Inc., in the amount of \$1,200,000, for continued provision of investigative services in their role as the City's Audit Committee, and consulting assistance in assessing internal control deficiencies affecting matters discussed in the Vinson and Elkins and City Attorney investigation reports, and directing the City Attorney to prepare applicable resolution.

Subitem-B: (R-2006-) ADOPTED AS RESOLUTION R-300780

Authorizing a Third Amendment to Agreement with Willkie, Farr & Gallagher LLP in the amount of \$1,200,000, for provision of independent legal counsel to the City Audit Committee and Kroll in connection with the above matters, and directing the City Attorney to prepare the applicable resolution.

CITY MANAGER SUPPORTING INFORMATION:

In February of 2005, the City of San Diego ("City") entered into an agreement with Kroll, Inc. ("Kroll") to receive, review and evaluate the findings of the investigations performed by Vinson & Elkins ("V&E") and the City Attorney, and to provide consulting assistance in assessing internal control deficiencies affecting matters discussed in the investigation reports (see agreement with Kroll). The original agreement was for a not-to-exceed amount of \$250,000. Three subsequent amendments, one in May and two in June of 2005 (one each for FY 2005 and

FY 2006), increased the not-to-exceed amount to \$2,350,000, and another amendment is before the Mayor and City Council today requesting an additional amount of \$1,200,000, bringing the total not-to-exceed amount to \$3,550,000.

The scope of Kroll's engagement, as memorialized in the original agreement, is two-phased, the first phase being to serve as an Independent Investigator for matters relating to the unfunded liability of the SDCERS and for errors discovered in the footnotes of the City's audited financial statements. This phase includes working with KPMG to understand their concerns and identify a satisfactory work program to assist them in obtaining the necessary evidence and documentation required by applicable accounting, auditing and professional services. This phase also includes review and evaluation of the investigation reports issues by V&E and the City Attorney.

The second phase includes consultation with City personnel to establish internal controls that, if implemented and properly operated by the City, could provide reasonable assurance that the transactions identified in the reports in Phase One are properly reported and disclosed in the City's financial statements. This work is to be coordinated with the City Auditor and Comptroller, the internal audit department manager, and the City's outside independent auditors as to the scope and nature of internal controls that the City would need to assess, document, implement, and test.

By this action, the agreement with Kroll will be increased by \$1,200,000, for a total not-to-exceed amount of \$3,550,000, to cover estimated expenses for August through October of Fiscal Year 2006.

Kroll will also be utilizing independent legal counsel from the firm of Willkie, Farr & Gallagher LLP ("Willkie, Farr"). Willkie, Farr's role will be to provide counsel and assistance to Kroll and the Audit Committee in connection with the independent investigation into SDCERS finances and disclosure, as well as with other matters that, in the judgment of the Audit Committee, may require inquiry or investigation (see agreement with Willkie, Farr). Willkie, Farr will report exclusively to the Audit Committee, serving with complete independence from the Mayor and City Council, the City, and the City's departments, agencies and elected officials.

Funding for the retention of Willkie, Farr in the amount of \$500,000 was approved by the Mayor and City Council in May of 2005. Two subsequent amendments in June of 2005 (one each for FY 2005 and FY 2006) increased the not-to-exceed amount to \$1,450,000. An additional amendment is before the Mayor and City Council today, requesting an additional \$1,200,000 to cover estimated expenses for August through October of Fiscal Year 2006, and would bring the total not-to-exceed amount to \$2,650,000. General Fund portion of expense will be paid from Public Liability Fund. Other expenses will be paid from operating allocations or fund balance.

Ewell/Villa
Aud. Certs. 2600090 and 2600091.

Staff: Lisa Irvine – (619) 236-6070

FILE LOCATION: Subitems A-B: MEET

COUNCIL ACTION: (Time duration: 5:03 p.m.– 5:24 p.m.)

MOTION BY MADAFFER TO ADOPT, WITH DIRECTION THAT THE CITY MANAGER AND CITY ATTORNEY WORK TOGETHER, WITH THE ASSISTANCE OF VINSON & ELKINS, TO IDENTIFY AND RECOMMEND APPROPRIATE OUTSIDE COUNSEL TO REPRESENT THE CITY BEFORE THE SECURITIES AND EXCHANGE COMMISSION AND TO RETURN TO THE COUNCIL WITH THOSE RECOMMENDATIONS.

ACCEPT COUNCIL MEMBER YOUNG’S RECOMMENDATION THAT THE CITY MANAGER WORK WITH REPRESENTATIVES OF THE AUDIT COMMITTEE AND ASK THEM TO PROVIDE DETAILED REPORTING OF THEIR SERVICES AND THEIR RECORDS, IN ADDITION TO THEIR INVOICES, AND TO DETERMINE WHETHER THERE ARE OTHER METHODS THAT CAN BE USED TO PROVIDE MORE ACCURATE REPORTING OF THEIR SERVICES. THE CITY MANAGER IS REQUESTED TO PROVIDE A MEMORANDUM BY THE END OF THE WEEK, EXPLAINING THE NEW REPORTING PRACTICES THAT MIGHT BE INSTITUTED, AS REQUESTED BY COUNCIL MEMBER YOUNG.

Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-332: Seventh Amendment to Retention Agreement with KPMG, LLP to Perform an Audit of the City’s FY 2003 Financial Statements.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-) ADOPTED AS RESOLUTION R-300781, WITH DIRECTION

Authorizing a Seventh Amendment to the Retention Agreement between the City of San Diego and KPMG, LLP in an amount not to exceed an additional \$600,000, for services related to an audit of the City's FY 2003 financial statements;

Directing the City Attorney to prepare the necessary Resolution associated with the action.

CITY MANAGER SUPPORTING INFORMATION:

On January 27, 2004, the City filed a voluntary financial disclosure concerning, in part, certain errors and correctible statements in the City's FY 2002 Comprehensive Annual Financial Report ("CAFR"). As a result, the FY 2003 CAFR has not been finalized and issued. The City Manager retained the firm of KPMG, LLP to perform the audit of the City's FY 2003 basic financial statements, which are included in the CAFR, before the FY 2003 CAFR is finalized and issued. Through the sixth amendment with KPMG, the City Council has authorized \$2.5 million.

Pursuant to accounting standards and practices, the City has retained Vinson & Elkins, Kroll, Inc. and Willkie, Farr to conduct an additional investigation beyond the scope of the first Vinson & Elkins Report on Investigation. The additional investigation is necessary because the City's and KPMG's obligations with respect to allegations of illegal conduct in the context of an audit are broader than the investigation and reporting on federal disclosure law violations, the purpose for which the Vinson & Elkins Report was commissioned, and the additional investigation will address legal issues and allegations of wrongdoing that were not the subject of the Vinson & Elkins Report. The City has been working cooperatively with KPMG, Vinson & Elkins and the City's Audit Committee on the additional investigation.

Given the continued importance of a thorough review, the City Manager is requesting that the Mayor and City Council authorize a seventh amendment with KPMG for an additional \$600,000 for Fiscal Year 2006 for a total contract amount not to exceed \$3,100,000. The \$600,000 will be used to pay for KPMG services provided during Fiscal Year 2006.

The General Fund portion of this expense will be paid from the Public Liability Fund. Other expenses will be paid from operating allocations or fund balance.

Ewell/Villa

Staff: Lisa Irvine – (619) 236-6070

Aud Cert. 2600092.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:03 p.m.– 5:24 p.m.)

MOTION BY MADAFFER TO ADOPT, WITH DIRECTION THAT THE CITY MANAGER AND CITY ATTORNEY WORK TOGETHER, WITH THE ASSISTANCE OF VINSON & ELKINS, TO IDENTIFY AND RECOMMEND APPROPRIATE OUTSIDE COUNSEL TO REPRESENT THE CITY BEFORE THE SECURITIES AND EXCHANGE COMMISSION AND TO RETURN TO THE COUNCIL WITH THOSE RECOMMENDATIONS.

ACCEPT COUNCIL MEMBER YOUNG’S RECOMMENDATION THAT THE CITY MANAGER WORK WITH REPRESENTATIVES OF THE AUDIT COMMITTEE AND ASK THEM TO PROVIDE DETAILED REPORTING OF THEIR SERVICES AND THEIR RECORDS, IN ADDITION TO THEIR INVOICES, AND TO DETERMINE WHETHER THERE ARE OTHER METHODS THAT CAN BE USED TO PROVIDE MORE ACCURATE REPORTING OF THEIR SERVICES. THE CITY MANAGER IS REQUESTED TO PROVIDE A MEMORANDUM BY THE END OF THE WEEK, EXPLAINING THE NEW REPORTING PRACTICES THAT MIGHT BE INSTITUTED, AS REQUESTED BY COUNCIL MEMBER YOUNG.

Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-333: Promontory Point Condominiums.

Matter of approving, conditionally approving, modifying or denying a Street Vacation, Tentative Map and Site Development Permit to allow development of a 15,246 square foot site with a twelve unit multi-family condominium project in a seven story building, two levels of which are a parking garage, and vacation of unused public right-of-way, site grading and landscape improvements. The project site is located at the northerly terminus of Sixth Avenue in the Mid-City Planned District within the Uptown Community Plan Area.

(Uptown Community Plan Area. District 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems A and B; and adopt the resolution in Subitem C to grant the permit:

Subitem-A: (R-2006-12) ADOPTED AS RESOLUTION R-300782

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 1612, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a site development permit, tentative map and street vacation for the Promontory Point Condominium Project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-13) ADOPTED AS RESOLUTION R-300783

Adoption of a Resolution adopting the findings with respect to Tentative Map No. 123433;

That pursuant to California Government Code section 66434(g), Sixth Avenue, located within the project boundaries as shown in Tentative Map No. 123433,

shall be vacated, contingent upon the recordation of the approved final map for the project;

That the recommendation of the Planning Commission is sustained, and Tentative Map No. 123433 and Street Vacation No. 123434 are granted to Windmill Construction Company, Applicant/Subdivider and Clifford W. La Monte, Engineer, subject to the attached conditions, which are made a part of this resolution.

Subitem-C: (R-2006-) ADOPTED AS RESOLUTION R-300784,
GRANT PERMIT

Adoption of a Resolution granting or denying Site Development Permit No. 123430, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on June 20, 2005, voted 5-0 to approve; no opposition.

Ayes: Schultz, Otsuji, Griswold, Chase, Ontai
Recusing: Steele
Not present: Garcia

The Uptown Community Planning Group voted 10:2:1 to recommend approval of the project at their October 5, 2004 meeting. No specific concerns or requested conditions were identified. Please see Planning Commission Report No. PC-05-188 for a full discussion.

CITY MANAGER SUPPORTING INFORMATION:

The project site is located at the northerly terminus of Sixth Avenue in the Mid-City Planned District within the Uptown Community Plan area. The vacant 0.35 acre site is zoned MR800B, which allows multi-family residential development. The project requires a Site Development Permit to be issued due to deviations the project proposes from the regulations of the Mid-City Planned District as allowed by a Process Three decision in the regulations of the planned district, a tentative map to create a condominium property for twelve condominiums to be offered for sale, and a street vacation to vacate and relinquish excess right-of-way not utilized by the City of San Diego for public right-of-way purposes.

The project is classified as a priority project as defined by the City Storm Water Standards. The project is required to comply with the State Water Resources Control Board Order No. 92-08-DWQ (NPDES General Permit No. CAS0000002).

The Promontory Point Condominiums Project is estimated to generate approximately 72 average daily trips. The project would not result in any significant traffic impacts on the surrounding roadway network.

City staff recommends the City Council STATE for the record that the information contained in the Project No. 1612/LDR File No. 400838 has been completed in compliance with California Environmental Quality Act and State CEQA Guidelines, and CERTIFY the Mitigated Negative Declaration No. 1612 reflects the independent judgment of the City of San Diego as Lead Agency; and ADOPT the Mitigation Monitoring and Reporting Program; and City Council APPROVE Street Vacation No. 123434, Tentative Map No. 123433 and Site Development Permit No. 123430.

FISCAL IMPACT:

No cost to the City. All costs are recovered through a deposit account funded by the applicant.

Oppenheim/Halbert/JSF

LEGAL DESCRIPTION:

The vacant, steeply sloped 0.35-acre site is located at the end of Sixth Avenue, north of Arbor Drive in the MR-800B zone of Mid-City Communities Planned District within the Uptown Community Plan area and Council District 3 and is more particularly described as Lots 28 & 29 of Fleischer's Addition, Map No. 811.

Staff: John S. Fisher - (619) 446-5231

FILE LOCATION: Subitems A-C: LUP – Promontory Point Condominiums,
08/09/05 (65)

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:28 p.m.)

Testimony in favor by Robin Munro.

MOTION BY PETERS TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B,
AND ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE PERMIT.

Second by Young. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-334: SDG&E Right-Of-Way Vacation.

Matter of approving, conditionally approving, modifying or denying a Public Right-Of-Way Vacation to vacate a portion of “G” Street located between 29th and 30th Streets for the future location of an SDG&E substation in the CT-2 Zone of the Southeastern San Diego Planned District within the Grant Hill neighborhood of the Southeastern San Diego Community Planning area.

(R-O-W Vacation/Project No. 48297. Southeastern Community Plan Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-75) ADOPTED AS RESOLUTION R-300785

Adoption of a Resolution vacating the portion of “G” Street between 29th and 30th Streets as described in the legal description marked as Exhibit “A”;

That the City Clerk shall cause a certified copy of this resolution, with attached exhibits attested by him under seal, to be recorded in the Office of the County Recorder.

OTHER RECOMMENDATIONS:

The Southeastern San Diego Planning Group has recommended approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Gas Electric (SDG&E) requests a street vacation for a portion of “G” Street per map 547 of the E. W. Morse’s subdivision of pueblo lot 1150 between 29th and 30th Street to create a site for the construction of a utility substation. The proposed substation is located within the Grant Hill neighborhood of the Southeastern San Diego Community planning area within Council District 8. The 2.6-acre substation site will include the proposed right of way vacation and lots 9 through 41 and 48 of the E. W. Morse’s subdivision of pueblo lot 1150, all of which are owned by SDG&E and front “G” Street. SDG&E has indicated that the proposed utility substation is necessary to meet existing and anticipated customer-driven electrical load growth and to improve distribution equipment capacity and reliability that would prevent potential long-term disruption of service to existing customers in the vicinity of the Grant Hill Substation.

The city has determined that this public right-of-way is no longer needed as the street is currently unimproved and the street will provide access only to the SDG&E Substation. In addition, the city has no future plans on improving the street and access to neighbors west of "G" Street will be served along 29th Street. The public will benefit from the proposed vacation as the new power substation will enhance the community's power needs and provide adequate power loads for anticipated future use. The vacation is consistent with the General Plan and Community Plan in that the substation will implement the Southeastern San Diego Community Plan by providing an adequate source of energy to the community.

FISCAL IMPACT:

A deposit has been collected from the applicant to cover all costs associated with processing the proposed project.

Oppenheim/Halbert/WJZ

LEGAL DESCRIPTION:

The proposed substation will be built on a 2.6-acre parcel located in the vicinity of State Route (SR) 94 and 30th Street in the community of Grant Hill, which is located in the Southeast San Diego Community Plan area of the City of San Diego (City). The parcel is bounded on the north by SR 94, on the east by 30th Street, on the west by vacant land, and on the south by several commercial uses, including a residential care facility. Included within the proposed site is SDG&E's existing Golden Hill 12/4 Kilovolt (kV) substation, which will be dismantled and moved as construction on the new substation proceeds.

Legal Description for Street Vacation, Portion of "G" Street:

All that portion of "G" Street dedicated per Map No. 547, in the City of San Diego, County of San Diego, State of California recorded in the Office of the County Recorder of San Diego County, November 16, 1914, lying between 29th Street and 30th Street (as widened), more particularly described as follows:

Beginning at the northwest corner of Lot 24, Block 83 per said Map No. 547; Thence along the westerly line of that portion of "G" Street vacated per City of San Diego Resolution No. 22650, North of 00°21'47" east 10.00 feet to the northerly line of said vacated portion of "G" Street and **the true point of beginning**; Thence along said northerly line south 89°51'42" east 398.35 feet to the westerly line of that portion of "G" Street dedicated per City of San Diego Resolution No. 253621; thence north 00°08'18" east 30.00 feet; Thence north 89°51'42" west 1.70 feet; Thence north 00°08'18" east 30.00 feet to the southerly line of that portion of "G" Street vacated per City of San Diego Resolution No. 22650; Thence along said southerly line north 89°51'42"

west 396.53 feet; Thence south 00°14'55" west 60.00 feet to the **true point of beginning**.
Containing 0.547 acres, more or less.

NOTE: This activity is covered under Uptown Substation Project No. A.04-03-015, Final Initial Study/Mitigated Negative Declaration. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections §15060(c)(3) and 15378(c).

Staff: William Zounes - (619) 687-5942.

FILE LOCATION: LUP - SDG&E Right-of-Way Vacation, 08/09/05 (65)

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:20 p.m.)

Testimony in opposition by Daniel Beeman and Lou Conde.

Testimony in favor by J.C. Thomas.

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-335: River View Village Residential.

Matter of approving, conditionally approving, modifying or denying an application to/for; 1) Amend the Navajo Community Plan and the Progress Guide and General Plan for the City of San Diego to designate approximately 6.4-acres from light industrial use to single-family residential use; 2) Rezone approximately 6.4-acres from AR-1-2 (Agricultural-Residential) to RX-1-1 (Single-Family Residential – Small Lot); 3) A Tentative Map to subdivide an approximate 6.4-acre undeveloped parcel into 16 single-family residential lots and one open space lot; 4) A Planned Development Permit to allow development of 16 single-family residences incorporating limited deviations from Land Development Code regulations; and 5) A Site Development Permit to allow the subdivision of a premise containing environmentally sensitive lands. The property is located at the northerly terminus of Wembley Street, south of Mission

Gorge Road, west of Princess View Drive, and north of Waring Road, legally described as Lots 3, 4 and 5 of the Subdivision of Lots 61, 62 and the easterly Portion of Lot 63 of the Rancho Mission of San Diego, according to Map No. 1550.

(See City Manager Report CMR-05-168. MND/MMRP/CPA No. 7687/RZ No. 7686/TM No. 7685/PDP No. 7688/SDP No. 7689/Project No. 3938. Navajo Community Plan Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; adopt the resolution in Subitem C to grant the map; adopt the resolution in Subitem D to grant the permits; and introduce the ordinance in Subitem E:

Subitem-A: (R-2006-84) CONTINUED TO TUESDAY, SEPTEMBER 13, 2005

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 3938 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration is hereby approved;

That pursuant to California Public Resources Code, section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-83) CONTINUED TO TUESDAY, SEPTEMBER 13, 2005

Adoption of a Resolution amending the Navajo Community Plan;

And amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (R-2006-) CONTINUED TO TUESDAY, SEPTEMBER 13, 2005

Adoption of a Resolution granting or denying Tentative Map No. 7685, with appropriate findings to support Council action.

Subitem-D: (R-2006-) CONTINUED TO TUESDAY, SEPTEMBER 13, 2005

Adoption of a Resolution granting or denying Planned Development Permit No. 7688 and Site Development Permit No. 7689, with appropriate findings to support Council action.

Subitem-E: (O-2006-10) CONTINUED TO TUESDAY, SEPTEMBER 13, 2005

Introduction of an Ordinance changing 6.362 acres, located at the northerly terminus of Wembley Street, south of Mission Gorge Road, west of Princess View Drive, and north of Waring Road, in the Navajo Community Plan Area, in the City of San Diego, California, from the AR-1-2 (Agricultural-Residential)

Zone (previously referred to as the A-1-1 Zone) into the RX-1-1 (Single-Family Residential) Zone, as defined by San Diego Municipal Code Section 131.0404; and repealing Ordinance No. O-18248 (New Series) adopted January 8, 1996, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on December 16, 2004, voted 6-0 to approve; was opposition.

Ayes: Steele, Ontai, Lettieri, Chase, Garcia, Otsuji

Not present: Schultz

The Navajo Community Planning Group on April 21, 2003, voted 13-2-0 to recommend approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

In 1995, the City Council approved Planned Industrial Development, Hillside Review and Resource Protection Overlay Zone (PID/HRP/RPOZ) Permit No. 88-0794, the Mission Trails Industrial Park Project. This approval allowed the subdivision of a 48-acre site for development as a light-industrial park, located on the south side of Mission Gorge Road between Princess View Drive and Old Cliffs Road. A copy of the recorded Permit No. 88-0794 is included as Attachment 16. This development resulted in a 6.36-acre remainder parcel located at a southerly corner of the development, which was not a part of the PID/HRP/RPOZ Permit No. 88-0794. This parcel has remained undeveloped and is the subject of the current development application. The parcel has remained designated for light-industrial use in the Navajo Community Plan. However, the site is zoned AR-1-2, which would allow for a maximum of six dwelling units. The project proposal includes a request to amend the Navajo Community Plan to designate the site from light-industrial to single-family residential land use, and to rezone the property to RX-1-1, which would allow residential development of a maximum of 16 units.

The subject property is located at the terminus of Wembley Street, south of Mission Gorge Road and west of Princess View Drive, and north of Fontaine Street, within the Allied Gardens neighborhood. The proposed residential development is located in the southwest corner of the site and would occupy approximately 3.4-acres (one-half) of the property area. The remaining northwest portion of the parcel will remain undeveloped as a privately owned and maintained open space easement.

Surrounding land uses consist of commercial and warehouse development to the north and northwest (Mission Trails Industrial Park); commercial, undeveloped, and an elementary school uses to the east; and the Allied Gardens residential neighborhood located to the south and east of the site. The project site is not within or adjacent to the City's Multi-Habitat Planning Area (MHPA).

FISCAL IMPACT:

All staff costs associated with processing this project are recovered from a separate deposit account provided and maintained by the Applicant.

Oppenheim/Halbert/WCT

LEGAL DESCRIPTION:

The project is located at the northerly terminus of Wembley Street in the Navajo Community Planning Area (Assessors Parcel Number 455-030-23, Lots 3, 4, and 5 of the subdivision of

Lots 61, 62 and the easterly portion of Lot 63 of the Rancho Mission of San Diego, in the City of San Diego, State of California, according to Map No. 1550.

Staff: Bill Tripp - (619) 446-5273.

FILE LOCATION: Subitems A-E: LUP – River View Village Residential,
08/09/05 (65)

COUNCIL ACTION: (Time duration: 11:57 a.m. – 11:57 a.m.)

MOTION BY MADAFFER TO CONTINUE TO SEPTEMBER 13, 2005 FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-336: Extending for One Year the North Bay Redevelopment Project Area Committee (PAC) and to Notice and Conduct PAC Election for 2005.

(Clairemont Mesa, Linda Vista, Midway/Pacific Highway, Mission Valley, Old Town, Peninsula, and Uptown Community Areas. Districts 2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-90) ADOPTED AS RESOLUTION R-300786, WITH DIRECTION

Authorizing a one-year extension of the PAC and directing Agency staff to notice and conduct the North Bay PAC elections in 2005.

CITY MANAGER SUPPORTING INFORMATION:

California Community Redevelopment Law, California Health and Safety Code Section 33385, requires the legislative body of a city to call upon residents and existing community organizations in a redevelopment project area to form a Project Area Committee ("PAC") if there is a substantial number of low or moderate-income residents within the project area, and the redevelopment plan contains authority for the agency to acquire property by eminent domain on which anyone resides, or the redevelopment plan contains one or more public projects that will displace a substantial number of low/moderate-income residents. Each PAC serves as an

advisory body to the Redevelopment Agency on policy matters affecting the residents of the project area. The Agency is required to consult with the PAC for at least three years after the redevelopment plan is adopted, subject to one year extensions by the legislative body.

Each PAC is elected and conducts its business in accordance with its specific PAC Formation Procedures ("Procedures") that were adopted individually by the City Council. The Procedures address the purpose and authority of the PAC, define the PAC's composition and membership, establish eligibility requirements for the term of membership, and set procedures for conducting elections.

In accordance with the North Bay PAC Procedures, Agency staff must seek authorization from the City Council to: 1) extend the Redevelopment Project Area Committee (PAC) for one year; and 2) notice and conduct the PAC election.

The North Bay Project Area Committee (PAC) voted 15-0-0 on June 1, 2005, to recommend a one-year extension of the PAC.

If the City Council approves the extension and election, Agency staff will proceed with conducting the North Bay PAC election in October.

FISCAL IMPACT: None with this action.

Oppenheim/Faulk/LGR

Staff: Lydia Goularte-Ruiz – (619) 533-5170
Rachel H. Witt – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:11 p.m.)

MOTION BY FRYE TO ADOPT, WITH DIRECTION THAT THE CITY MANAGER AND THE PROJECT AREA COMMITTEE DISCUSS ADDING ONE ADDITIONAL MEMBER TO THE PENINSULA PLANNING BOARD. Second by Madaffer.
Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-337: Issuance of Multifamily Housing Revenue Bonds by the California Statewide Communities Development Authority (CSCDA) for the Acquisition and Construction of 106 Unit Multifamily Rental Housing Project known as Sagewood at Stonebridge Estates.

(See Housing Authority Report HAR05-013. Rancho Encantada Community Area. District 7.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-100) ADOPTED AS RESOLUTION R-300787

Authorizing the issuance, sale and delivery of multifamily housing revenue bonds (Bonds) in one or more series, in an amount not to exceed \$12,000,000 in outstanding aggregate principal amount, by the California Statewide Communities Development Authority (CSCDA), for the purpose of financing the acquisition and construction of a 106 unit multifamily rental housing project located within the jurisdiction of the City and generally known as Sagewood at Stonebridge Estates.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:16 p.m. – 6:16 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, District 8-vacant, Mayor-vacant.



ITEM-S500: Removal of a Member of the Retirement Board of the San Diego City Employees' Retirement System (SDCERS).

DEPUTY MAYOR ATKINS' AND COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-124) CONTINUED TO TUESDAY, SEPTEMBER 6, 2005,
WITH DIRECTION

Removing Peter Preovolos from the appointment as a member of the San Diego City Employees' Retirement System (SDCERS) Retirement Board.

SUPPORTING INFORMATION:

Each member of the Board of San Diego City Employees' Retirement System (SDCERS) is required to perform their responsibilities as fiduciaries. Central to the performance of these duties is the obligations to ensure accurate financial statements are issued and audited on an annual basis. Peter Preovolos, as the Chair of the Retirement Board, has failed to meet the fiduciary duty to ensure that accurate and complete financial statements are issued and audited on an annual basis in that Mr. Preovolos has specifically refused to order or permit an AU Section 317 illegal acts investigation for the 2003 and 2004 SDCERS financial statements. Mr. Preovolos has been informed through public reports by the City Attorney, letters from the City's outside auditor KPMG, other public reports, and by the existence of U.S. Attorney investigations and District Attorney prosecutions, of the existence of possible illegal acts by prior SDCERS Board Members, and despite this knowledge and requests by the City Council, City Attorney, the City's Audit Committee, retirees, and union leaders, Mr. Preovolos has refused to order or permit an illegal acts investigation. This failure has put the pension system into further financial crisis, has not attempted to minimize contributions by the City as required by Article xvi, Section 17 of the California Constitution, and threatens the financial welfare and future ability of the City to make contributions to SDCERS. Accordingly, it is appropriate and proper to remove Mr. Preovolos from the appointment as a member of the SDCERS Retirement Board.

Aguirre

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 5:28 p.m. – 6:09 p.m.)

Motion by Frye to adopt. No second.

MOTION BY FRYE TO CONTINUE TO SEPTEMBER 6, 2005 FOR FURTHER REVIEW OF MR. PREOVOLOS' PERFORMANCE OF HIS FIDUCIARY DUTIES. ACCEPT COUNCIL MEMBER YOUNG'S RECOMMENDATION THAT A CLEARER OPINION BE PROVIDED REGARDING HOW AND WHY

MR. PREOVOLOS IS NOT PERFORMING HIS FIDUCIARY DUTIES SO AS TO PROVIDE A GROUNDS FOR TAKING THIS ACTION. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, District 8-vacant, Mayor-vacant.

ITEM-S501: Appointments to the San Diego City Employees' Retirement System Board of Administration.

(See memorandums from Deputy Mayor Atkins dated 8/4/2005 and 8/2/2005, with resumes attached.)

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-125) CONTINUED TO TUESDAY, SEPTEMBER 6, 2005

Council confirmation of the following two appointments by the Deputy Mayor of the City of San Diego to serve as members of the San Diego City Employees' Retirement System Board of Administration;

<u>NAME</u>	<u>TERM ENDING</u>
Ezekiel E. Cortez (Rancho Peñasquitos, District 1) (Replacing Thomas E. King, who resigned)	March 31, 2009
Thomas C. Hebrank (Kensington, District 3) (Replacing Thomas A. Page, who resigned)	March 31, 2009

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 5:28 p.m. – 6:09 p.m.)

MOTION BY FRYE TO CONTINUE TO SEPTEMBER 6, 2005, FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, District 8-vacant, Mayor-vacant.

ITEM-S502: Appointments to the San Diego City Employees' Retirement System Board of Administration.

(See memorandum from Deputy Mayor Atkins dated 8/4/2005, with resume attached.)

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-128) CONTINUED TO TUESDAY, SEPTEMBER 6, 2005

Council confirmation of the following two appointments by the Deputy Mayor of the City of San Diego to serve as members of the San Diego City Employees' Retirement System Board of Administration, as follows:

<u>NAME</u>	<u>TERM ENDING</u>
Richard Rider (Scripps Ranch, District 5) (Replacing Susan H. Snow, who resigned)	March 31, 2007
Diann Shipione (La Jolla, District 1) (Replacing Robert H. Wallace, who resigned)	March 31, 2009

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 5:28 p.m. – 6:09 p.m.)

MOTION BY FRYE TO CONTINUE TO SEPTEMBER 6, 2005, FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, District 8-vacant, Mayor-vacant.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Atkins at 6:19 p.m. in honor of the memory of:

Fred Jensen as requested by Council Member Donna Frye.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:17 p.m. – 6:19 p.m.)